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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,222	10/24/2003	Vyacheslav M. Ryaboy	155603-0311	2279
1622	7590	05/30/2006	EXAMINER	
IRELL & MANELLA LLP 840 NEWPORT CENTER DRIVE SUITE 400 NEWPORT BEACH, CA 92660			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/693,222

Applicant(s)

RYABOY ET AL.

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-19 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10032005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the third office action for U.S. Application 10/693,222 for an Instrumented Platform for Vibration Sensitive Equipment filed by Vyacheslav Ryaboy on October 24, 2003. Claims 1-9, 11-19, and 26-29 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 10, 2006 has been entered.

#### ***Claim Rejections - 35 USC § 112***

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "platform" in claims 1, 11, and 26 is used by the claims to mean "a table with first and second surfaces that have a core in between them", while the accepted meaning is "a usu. Raised horizontal flat surface." The term is indefinite

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because the specification does not clearly redefine the term. Applicant's "platform" is not flat, but does have a flat surface on the top. For examination purposes, it is assumed that Applicant is claiming a flat top surface for the table.

***Claim Rejections - 35 USC § 102***

Claims 1, 2, 4-6, 8, 9, 11, 12, 14-16, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,511,035 B1 to Teel et al. Teel et al. discloses a platform assembly with a table (10) that has a first surface (12) coupled to the vibration-sensitive payload, a second surface (bottom of 14), and an inner core (portion inside of 12 and 14) located between the first and second surfaces. There is a vibration sensor (52) located with the inner core and the first surface extends along a first plate (38) and the vibration sensor is attached to the first plate (by the structure of the table). There is a damper (44) located within the inner core that includes an active actuator that is coupled to the vibration sensor. There is a control circuit (150) coupled to the vibration sensor and the active actuator and there is a honeycomb core (col. 3, lines 20-24) within the inner core. The control circuit causes the active actuator to create an active force that emulates the effect of a viscous damper in a frequency domain encompassing a plurality of natural frequencies of a flexural vibration of the first surface.

Claims 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,220,100 B1 to Felkins et al. Felkins et al. discloses a method for sensing vibration of a payload coupled to a first surface of a platform table comprising the steps

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of sensing the vibration with a vibration sensor (58) and transmitting the output signals from the vibrations sensors. Claims 21-25 contain limitations not directed towards the method steps of sensing the vibration, and therefore these limitations are given no patentable weight.

### ***Claim Rejections - 35 USC § 103***

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teel et al. in view of U.S. Patent 5,170,104 to Laughlin. Teel et al. discloses the sensor attached to a control system, but does not disclose an electrical connector attached to an external surface of the table and coupled to the vibration sensor. Laughlin discloses a platform assembly with a vibration sensor (14) that is connected to a control system (17) by an electrical connector (the wires). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an electrical connector (such as wire) between the sensor and control system, for the purpose of providing a means of connection between the two.

Claims 7, 17, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teel et al. in view of Huang et al. Teel et al. does not disclose a monitor coupled to the vibration sensors (accelerometer). Huang et al. discloses a device where the dynamics of the assembly are measured by vibration sensors (14) attached to a monitor (26 via 20) so the vibration can be compensated for. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have coupled a monitor to the vibration sensors taught by Teel et al., as taught by

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Huang et al., for the purpose of measuring dynamics of the system to compensate for vibrations.

### ***Response to Arguments***

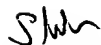
Applicant's arguments filed March 10, 2006 have been fully considered but they are not persuasive. In response to Applicant's argument that Teel fails to teach a vibration sensor means located within the inner core, it is pointed out that the first surface is the top of 12 and the second surface is the bottom of 14. The core (shown in figure 3) is located between the two and contains the sensor (52). Applicant has attempted to amend the claim to define a platform, instead of a table, but as discussed above in the rejection under section 112, Applicant's table does not appear to be a platform.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



Steven M. Marsh

May 24, 2006



ANITA KING  
PRIMARY EXAMINER